REGULAR MEETING OF COUNCIL

MINUTES

Monday, March 23, 2020
7:00 PM
Council Chambers
2021 Division Road N
Kingsville, Ontario N9Y 2Y9

Members of Council	Mayor Nelson Santos Deputy Mayor Gord Queen Councillor Tony Gaffan Councillor Thomas Neufeld Councillor Larry Patterson Councillor Kimberly DeYong Councillor Laura Lucier
Members of Administration	J. Astrologo, Director of Corporate Services R. Brown, Manager of Planning Services J. Galea, Human Resources Manager K. Brcic, Planner T. Del Greco, Municipal Services Manager R. McLeod, Director of Financial Services

A. CALL TO ORDER

Mayor Santos called the Regular Meeting to order at 7:00 p.m. with all members of Council in attendance.

B. MOMENT OF SILENCE AND REFLECTION

Mayor Santos asked those present to stand and observe a moment of silence and reflection, to be followed by the playing of O'Canada.

C. PLAYING OF NATIONAL ANTHEM

D. DISCLOSURE OF PECUNIARY INTEREST

Mayor Santos reminded Council that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

E. MATTERS SUBJECT TO NOTICE

1. PUBLIC MEETING--Combined Application for Consent and Zoning By-law Amendment File B/22/19 & ZBA/24/19 by Linda Wintermute & Helen McLeod 605 Road 11, Part of Lot 22, Concession 11

K. Brcic, Town Planner

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment and Consent, dated February 28, 2020;

ii) Report of K. Brcic, Planner, dated March 12, 2020;

iii) Proposed By-law 28-2020, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Ms. Brcic presented the Planning Report.

Public Comments:

There were no comments from anyone in attendance in the audience.

241-2020
Moved By Councillor Larry Patterson
Seconded By Councillor Thomas Neufeld

That:

Council approves Consent Application B/22/19 to sever an existing dwelling, deemed surplus to the needs of the owners on a 0.36 ha (0.89 ac.) parcel shown as Part 1 on the Applicants' sketch, in the Town of Kingsville, subject to the following conditions:

a. That the applicant(s) arrange for a reference plan be deposited in the registry office, both an electronic and paper copy of the registered plan is to be provided.

b. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or Municipal Act be paid in full along with all municipal taxes.

c. That any necessary drainage reapportionments be undertaken.

d. A clear letter of approval for the septic system on the severed parcel (surplus dwelling lot) must be obtained from the Town's Building Department.

e. That as a result of the severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date of certification of the deed.

f. The zoning of the retained parcel be amended to prohibit future dwellings prior to certification.

g. That the necessary deed(s), transfer or charges be submitted in triplicate, signed and fully executed(no photocopies), including a copy of the reference plan, prior to certification;

h. That the necessary deed(s), transfer or charges be submitted in triplicate, signed and fully executed(no photocopies), including a copy of the reference plan, prior to certification;

AND THAT, Council approves Zoning By-law Amendment Application ZBA/25/19 to rezone the retained parcel, known as 605 Road 11, in Part of Lot 22, Concession 11, in the Town of Kingsville, from 'Agriculture (A1)' to 'Agriculture – Restricted (A2)' and adopt the implementing by-law.

CARRIED

2. Application for Zoning By-law Amendment ZBA/05/16 & Site Plan Approval SPA/08/16 by Liovas Holding Ltd. Part of Lots 5 to 8, 23 & 24, Plan 296, Part 3 RP 12R 23274

Ms. Kristina Brcic, Town Planner

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment and Site Plan Approval, dated February 28, 2020;

ii) Report of R. Brown, Manager of Planning Services, dated March 16, 2020;

iii) Proposed By-law 27-2020, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Ms. Brcic presented Mr. Brown's Planning Report.

Comments from the Applicant:

The Applicant, Jim Liovas (Liovas Holdings Ltd.) explained the rationale for the separate 6-unit accessory garage. He stated that he has done this before in Leamington because not everyone wants to rent a garage. He added that if not all garage units are rented they will simply remain empty.

Mr. Brown explained that the accessory garage cannot be commercially rented out; the garage can only be rented to the individuals renting the eight units. Mr. Brown stated that if in the future the units are subdivided in any manner, the garage must remain accessory to at least one of the units, which would most logically be the end unit.

242-2020
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

That an amendment be made to the Site Plan Agreement (Liovas Holdings Ltd.; SPA/08/16) to ensure that wording mandating the installation of sidewalks is clearly articulated.

CARRIED

Public Comments:

Michael Ives, 32 Maple Street, expressed concern about crowding on the street from parking. There are also concerns as to how the construction would affect their home, and some other homes in the neighbourhood, which have fieldstone foundations.

Ms. Brcic commented that there is over 30 feet proposed from the westernmost unit to the nearest home, being Mr. and Mrs. Ives' property at 32 Maple Street. She also confirmed that every unit has a driveway in front, provided the dimensions of those driveways, stated there is one driveway access in to each unit, and that the properties will be built in a raised-ranch style.

Mr. Liovas commented that the garage would look the same as all four buildings, so that everything flows through the whole development. He also commented that his company has a lot of experience doing infill projects such as these and takes that seriously in his building construction practices, so that it is done in the best way so as not to affect neighbouring foundations.

243-2020
Moved By Councillor Laura Lucier
Seconded By Councillor Larry Patterson

That Council:

Approves Zoning By-law Amendment Application ZBA/05/16 to rezone the subject lands to permit four (4) semi-detached dwellings, an accessory storage building, establish site-specific regulations and adopt the implementing by-law;

Approves Site Plan Approval Application SPA/08/16 for the development of four (4) semi-detached dwellings detailed on the attached Site Plan along with an accessory storage building subject to the conditions outlined in the Site Plan Agreement, as amended to include wording to clearly articulate the mandatory installation of sidewalks; and

Authorizes the Mayor and Clerk to sign the Site Plan Agreement and register said Agreement on title.

CARRIED

F. AMENDMENTS TO THE AGENDA

Councillor Patterson added an announcement, Mayor Santos added an update item, and Councillor DeYong added one Notice of Motion.

G. STAFF REPORTS

1. Website Updates – Kingsville Heritage Committee

R. McLeod, Director of Financial Services presented the Report of Information Technology Manager T. Iacobelli

244-2020
Moved By Councillor Laura Lucier
Seconded By Councillor Kimberly DeYong

That Council receives the report from Manager of Information Technology dated March 6, 2020 with respect to updating the Heritage Committee's webpage on the Town of Kingsville's website.

CARRIED

2. 2020 Capital Projects – Tender Approvals

T. Del Greco, Manager of Municipal Services

245-2020
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Thomas Neufeld

That Council authorizes the Mayor and Clerk to execute an agreement with Coco Paving Incorporated for award of the 2020 Urban Road Program Tender in the amount of $532,853 (excluding HST);

And That Council authorizes the use of funds from Account #03-000-032-39121 (Reserves - Active Transportation) to facilitate construction of the multi-use path from Conservation Blvd to Lake Drive;

And That Council authorizes the Mayor and Clerk to execute an agreement with Shepley Road Maintenance for award of the 2020 Rural Road Program Tender in the amount of $1,218,649 (excluding HST);

And That Council authorizes the Mayor and Clerk to execute an agreement with Pierascenzi Construction for award of the 2020 Sidewalk Program Tender in the amount of $139,365 (excluding HST);

And That Council authorizes the Mayor and Clerk to execute an agreement with RC Spencer for award of engineering services pertaining to reconstruction of Road 2 East from County Road 45 to Division Road North (including all watermain engineering) in the amount of $335,810 (excluding HST).

CARRIED

3. Lease Extension Agreement

J. Astrologo, Director of Corporate Services, presented the Report on behalf of Deputy Clerk-Administrative Services R. Baines.

246-2020
Moved By Councillor Thomas Neufeld
Seconded By Councillor Kimberly DeYong

That Council approves the Lease Extension Agreement between John and Michelle Ivanisko and The Corporation of the Town of Kingsville for 116 County Road 34 West, Cottam, Ontario, and authorizes the Mayor and Clerk to execute said Agreement, and adopt By-law 33-2020.

CARRIED

4. COVID-19 Municipal Response

J. Astrologo, Director of Corporate Services

247-2020
Moved By Councillor Thomas Neufeld
Seconded By Councillor Laura Lucier

That Council adopt By-law 36-2020, being a by-law to amend the Procedure By-law (By-law 55-2016) to allow Council Members to electronically participate in Council Meetings.

CARRIED

248-2020
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

That Council adopt By-law 38-2020, being a by-law to delegate authority to the Director of Corporate Services and the Director of Financial Services to jointly award contracts up to a monetary limit of $500,000.00 provided that the works are within the scope and budget limits of the 2020 Budget.

CARRIED

249-2020
Moved By Councillor Laura Lucier
Seconded By Deputy Mayor Gord Queen

That Council cancel the April 14, 2020 Regular Meeting and allow the Mayor to make a determination regarding the cancellation of the April 27, 2020 Regular Meeting.

CARRIED

250-2020
Moved By Councillor Larry Patterson
Seconded By Councillor Kimberly DeYong

That interest and penalties be waived for tax and water accounts through to April 30, 2020.

CARRIED

251-2020
Moved By Councillor Thomas Neufeld
Seconded By Councillor Larry Patterson

That Council endorses the actions taken by Administration thus far in the wake of the COVID-19 pandemic to maintain the health and safety of employees and members of the community.

CARRIED

H. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

1. Report of Kingsville Striking Committee, dated March 11, 2020 RE: 2020-2022 Updated Appointments to Boards and Committees for Kingsville

252-2020
Moved By Councillor Kimberly DeYong
Seconded By Councillor Tony Gaffan

That Council adopts the recommended Board and Committee lay appointments for the balance of the Council term, as presented by the Kingsville Striking Committee, for Communities in Bloom Committee, Kingsville Municipal Heritage Advisory Committee, Migration Festival Committee, and Mettawas Waterfront Park Fundraising Committee, to be effective immediately; and Further That the appropriate by-law be updated at a future meeting of Council.

CARRIED

I. MINUTES OF THE PREVIOUS MEETINGS

1. Special Meeting of Council--March 2, 2020

2. Special Closed Session Meeting of Council--March 2, 2020

3. Regular Meeting of Council--March 9, 2020

4. Regular Closed Session Meeting of Council--March 9, 2020

Deputy Mayor Queen suggested that the Regular Meeting Minutes of March 9, 2020 should be amended to more accurately reflect that it was the intention and expectation that Motion 216-2020 to also include the definition of 'adverse effect' in By-law 89-2019.

253-2020
Moved By Councillor Tony Gaffan
Seconded By Councillor Laura Lucier

That Council adopts Special Meeting of Council Minutes dated March 2, 2020, Special Closed Session Meeting of Council Minutes dated March 2, 2020, Regular Meeting of Council Minutes dated March 9, 2020 as amended (Motion 216-2020 definition of adverse effect added in By-law 89-2020), and Regular Closed Session Meeting of Council Minutes dated March 9, 2020.

CARRIED

J. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Kingsville B.I.A. - Annual General Meeting - February 26, 2019 and Kingsville BIA Minutes dated February 11, 2020

254-2020
Moved By Councillor Laura Lucier
Seconded By Deputy Mayor Gord Queen

That Council receives Kingsville B.I.A. Annual General Meeting Minutes dated February 26, 2019 and Kingsville BIA Minutes dated February 11, 2020.

CARRIED

2. Kingsville Municipal Heritage Advisory Committee - February 11, 2020 and February 27, 2020

255-2020
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Tony Gaffan

That Council receives Kingsville Municipal Heritage Advisory Committee Meeting Minutes dated February 11, 2020 and February 27, 2020.

CARRIED

3. Tourism and Economic Development Committee - February 13, 2020

256-2020
Moved By Councillor Larry Patterson
Seconded By Councillor Laura Lucier

That Council receives Tourism and Economic Development Committee Meeting Minutes dated February 13, 2020

CARRIED

K. BUSINESS CORRESPONDENCE - INFORMATIONAL

1. Town of Tecumseh--Correspondence dated February 13, 2020 RE: Resolution of Support of Essex County Federation of Agriculture correspondence and of Bill 156

2. Township of Tyendinaga--Correspondence dated March 3, 2020 RE: Call for a solution to the ongoing Coastal GasLink and Rail Disruption situations

3. Municipality of West Nipissing--Correspondence dated March 3, 2020 RE: Provincially Significant Wetlands Designation

4. Town of Ajax--Correspondence dated March 5, 2020 RE: Supporting Conservation Authorities

5. Municipality of West Nipissing--Resolution 2020/101 supporting AMO's position in Bill 132 with respect to the Aggregate Resources Act and the Safe Drinking Water Act, as supported by the Township of Puslinch.

6. Frank Fernandez, Stop the Great Lakes Nuclear Dump--Correspondence dated March 6, 2020 RE: OPG Nuclear Waste Repository

7. Town of Kirkland Lake--Correspondence received March 9, 2020 RE: Support of Bill 156

8. Municipality of Callander--Correspondence dated March 17, 2020 with attached Resolution 2020/03/84 RE: Electronic Meetings during COVID-19

257-2020
Moved By Councillor Larry Patterson
Seconded By Deputy Mayor Gord Queen

That Council receives Business Correspondence-Informational items 1 through 8.

CARRIED

L. NOTICES OF MOTION

1. Deputy Mayor Gord Queen may move, or cause to have moved:

258-2020
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

That Council approves the Mayor and staff creating a letter to go to the Federal Government, supporting and encouraging the creation of a Canada-wide Auto Sector Plan that aids and creates jobs in Canada versus Mexico; recognizing the effects that many of our local residents are employed now, and hopefully for generations to come.

CARRIED

Council directed that such correspondence be crafted and sent after the COVID-19 pandemic has been dealt with.

2. Deputy Mayor Gord Queen may move, or cause to have moved:

That Council be provided at the next following Regular Meeting a copy of By-law 89-2019 (Greenhouse regulations) that does include the requested detail as per previous Council Motion, and not just a reference to Provincial Policy.

Deputy Mayor Queen indicated he would not be moving such motion as the matter was addressed.

3. Councillor DeYong may move, or cause to have moved:

That Council support sending a letter to the Minister of Energy, Greg Rickford, to suspend 'time of use' billing during the quarantine period as a result of the COVID-19 pandemic. And that this letter be sent to the Ontario Energy Board, the Premier, our local Member of Parliament T. Natyshak, and all Ontario municipalities

259-2020
Moved By Councillor Kimberly DeYong
Seconded By Councillor Tony Gaffan

That Council support sending a letter to the Minister of Energy, Greg Rickford to provide hydro billing relief during the quarantine period as a result of the COVID-19 pandemic. And that this letter be sent to the Ontario Energy Board, the Premier, our local Member of Parliament T. Natyshak, and all Ontario Municipalities.

CARRIED

Councillor DeYong introduced a Notice of Motion, indicating that at the next Regular Meeting she may move, or cause to have moved, that Council direct Administration to provide a report from our Director of Corporate Services on exactly what content and facts from the discussions, reports, investigations and negotiations regarding 190 Main St. East are able to be shared with the public so that Council may address the concerns and questions from residents without risk of being in contravention to our Code of Conduct.

M. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

Councillor Patterson stated that the Blood Blank is in urgent need; the Food Bank is in need; and he urged everyone to utilize local restaurants for take-out in the Town to help our community during this time of social distancing and isolation due to the pandemic.

Mayor Santos thanked staff for their continuing efforts in dealing with the COVID-19 pandemic. A Declaration of Emergency was issued effective March 22, 2020 for the Town of Kingsville. The Town Control Group is presently in Enhanced Monitoring Mode. He stated there is a shortage of supplies for our front-line health care providers, EMS and first responders, and if anyone is aware of availability of such supplies to contact local emergency responders to advise them.

N. BYLAWS

1. By-law 27-2020

260-2020
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Tony Gaffan

That Council reads By-law 27-2020, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/05/16; Maple Street and Lansdowne Avenue, Part of Lots 5 to 8, 23 and 24, Plan 296, Part 3, RP 12R 23274) a first, second and third and final time.

CARRIED

2. By-law 28-2020

261-2020
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

That Council reads By-law 28-2020, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/24/19; 605 Road 11, Part of Lot 22, Concession 11) a first, second and third and final time.

CARRIED

3. By-law 33-2020

262-2020
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

That Council reads By-law 33-2020, being a By-law authorizing the Mayor and Clerk to enter into an Agreement with John Ivanisko and Michelle Ivanisko to Extend the Tenancy Lease of OPP Cottam location, 116 County Road 34, a first, second and third and final time.

CARRIED

4. By-law 35-2020

263-2020
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Thomas Neufeld

That Council reads By-law 35-2020, being a By-law to amend By-law 101-2004, being a By-law to Appoint Officers and Management Staff for The Corporation of the Town of Kingsville, and to repeal By-law 21-2016, a first, second and third and final time.

CARRIED

5. By-law 36-2020

264-2020
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Laura Lucier

That Council reads By-law 36-2020, being a By-law to amend By-law 55-2016, being a By-law to Govern the Calling, Place and Proceedings of Council and Committees, a first, second and third and final time.

CARRIED

6. By-law 37-2020

265-2020
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Thomas Neufeld

That Council reads By-law 37-2020, being a By-law to authorize the entering into of an Agreement with Nevan Construction Inc. for the construction of the Sumac Drain Watermain Replacement for The Corporation of the Town of Kingsville (N. J. Peralta Engineering Ltd. Project No. E-19-057) a first, second and third and final time.

CARRIED

7. By-law 38-2020

266-2020
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

That Council reads By-law 38-2020, being a By-law to authorize the Delegation of Authority to the Director of Corporate Services/Clerk and to the Director of Financial Services for certain acts during the Provincially declared state of emergency under the Emergency Management and Civil Protection Act, a first, second and third and final time.

CARRIED

O. CLOSED SESSION

267-2020
Moved By Councillor Larry Patterson
Seconded By Councillor Kimberly DeYong

That Council at 8:54 p.m., pursuant to Subsection 239(2) of the Municipal Act, 2001, enter into Closed Session to address the following item:

i) Section 239(2)(d) labour relations or employee negotiations.

CARRIED

P. REPORT OUT OF CLOSED SESSION

Upon rising from Closed Session at 9:29 p.m. Mayor Santos reported that Council addressed one Closed Session Item (Item O-i, above-captioned) during which session Council received an informational report.

Q. CONFIRMATORY BY-LAW

1. By-law 39-2020

268-2020
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

That Council reads By-law 39-2020, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its March 23, 2020 Regular Meeting a first, second and third and final time.

CARRIED

R. ADJOURNMENT

269-2020
Moved By Councillor Larry Patterson
Seconded By Councillor Laura Lucier

That Council adjourns this Regular Meeting at 9:30 p.m.

CARRIED